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In re Application of :
WU et al :
U.S. Application No.: 10/530,975 :
PCT No.: PCT/US03/29715 :
Int. Filing Date: 18 September 2003 : DECISION
Priority Date: 18 September 2002 :
Docket No.: 160-P-1654USWO :
For: SELF-CROSSLINKABLE :
WATERBORNE COATING :
COMPOSITION :
:

This decision is in response to the papers filed with the United States Designated/Elected Office (DO/EO/US) on 03 August 2005. No fee is required.

BACKGROUND

On 15 March 2005, applicants filed papers to enter the national stage of PCT/US03/29715 using Express Mail service.

On 03 August 2005, applicant filed a "Petition Under 37 C.F.R. § 1.10(c)" which was accompanied by, *inter alia*, a copy of the Customer Copy of Express Mail Label No. ED240260242US showing a Date Accepted of "3 15 05."

On 09 February 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee was required.

On 22 February 2006, applicants submitted a response which included an executed declaration and the surcharge fee.

On 16 March 2006, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903). The date of completion of all 35 U.S.C. 371 requirements was properly listed as 22 February 2006. However, the Form PCT/DO/EO/903 also indicated that the national stage papers including the U.S. Basic National fee were filed on 15 April 2005.

DISCUSSION

Applicants request that USPTO records show that the national stage papers were submitted on 15 March 2005, not 15 April 2005 as shown on the Private PAIR system.

A review of USPTO records verify that the national stage papers were received on 15 March 2005. However, the above-captioned application was improperly processed in the computer system as received on 15 April 2005.

Moreover, the Form PCT/DO/EO/903 mailed 16 March 2006 indicated that the Basic National fee was not received until 15 April 2005. This date is over thirty months from the earliest claimed priority date of 18 September 2002 and would result in the abandonment of the application pursuant to 37 CFR 1.495(b)(2).

Accordingly, the Form PCT/DO/EO/903 mailed 16 March 2006 is VACATED.

CONCLUSION

Applicants' petition is hereby GRANTED.

USPTO records will be corrected to reflect the fact that the papers to enter the national stage of PCT/US03/29715 were received on 15 March 2005.

This application is being forwarded to the DO/EO/US for further processing including mailing a corrected Form DO/EO/903 and updating USPTO records to indicate a date of receipt of the national stage papers of 15 March 2005.


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